

# Senate Study Bill 1061 - Introduced

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE  
ON JUDICIARY BILL BY  
CHAIRPERSON ZAUN)

## A BILL FOR

1 An Act creating the criminal offense of theft against a  
2 vulnerable elder and providing penalties.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1     Section 1. NEW SECTION.   **714.2A Theft against a vulnerable**  
2 **elder.**

3     1. For the purposes of this section, "*vulnerable elder*"  
4 means a person sixty years of age or older who is unable to  
5 protect the person's self from elder abuse as a result of age  
6 and a mental or physical condition.

7     2. Notwithstanding the penalties specified in section  
8 714.2, all of the following shall apply if a theft is committed  
9 against a person who was a vulnerable elder at the time the  
10 theft was committed:

11    a. If the person commits theft in the first degree pursuant  
12 to section 714.2, subsection 1, the person is guilty of a class  
13 "C" felony and, notwithstanding section 902.9, subsection 1,  
14 paragraph "d", the maximum sentence for a person convicted  
15 under this paragraph shall be a period of confinement of not  
16 more than twelve years and a fine of at least two thousand five  
17 hundred dollars but not more than twelve thousand dollars.

18    b. If the person commits theft in the second degree pursuant  
19 to section 714.2, subsection 2, the person is guilty of a class  
20 "D" felony and, notwithstanding section 902.9, subsection 1,  
21 paragraph "e", the maximum sentence for a person convicted under  
22 this paragraph shall be a period of confinement of not more  
23 than seven years and a fine of at least one thousand dollars  
24 but not more than twelve thousand dollars.

25    c. If the person commits theft in the third degree pursuant  
26 to section 714.2, subsection 3, the person is guilty of an  
27 aggravated misdemeanor and, notwithstanding section 903.1,  
28 subsection 2, the maximum sentence for a person convicted under  
29 this paragraph shall be a period of confinement of not more  
30 than four years and a fine of at least eight hundred dollars  
31 but not more than seven thousand five hundred dollars.

32    d. If the person commits theft in the fourth degree  
33 pursuant to section 714.2, subsection 4, the person is guilty  
34 of a serious misdemeanor and, notwithstanding section 903.1,  
35 subsection 1, paragraph "b", the maximum sentence for a person

1 convicted under this paragraph shall be a period of confinement  
2 of not more than eighteen months and a fine of at least five  
3 hundred dollars but not more than two thousand five hundred  
4 dollars.

5 e. If the person commits theft in the fifth degree pursuant  
6 to section 714.2, subsection 5, the person is guilty of  
7 a simple misdemeanor and, notwithstanding section 903.1,  
8 subsection 1, paragraph "a", the maximum sentence for a person  
9 convicted under this paragraph shall be a period of confinement  
10 of not more than sixty days and a fine of at least one hundred  
11 fifty dollars but not more than one thousand dollars.

12 EXPLANATION

13 The inclusion of this explanation does not constitute agreement with  
14 the explanation's substance by the members of the general assembly.

15 This bill creates the criminal offense of theft against a  
16 vulnerable elder and provides penalties.

17 The bill defines a vulnerable elder as a person 60 years  
18 of age or older who is unable to protect the person's self  
19 from elder abuse as a result of age and a mental or physical  
20 condition.

21 The bill provides that a person is subject to criminal  
22 penalties if a person commits theft against another person who  
23 was a vulnerable elder at the time the theft was committed.  
24 If the person commits theft in the first degree, the person  
25 is guilty of a class "C" felony and the maximum sentence for  
26 the person convicted shall be for a period of confinement  
27 of not more than 12 years and a fine of at least \$2,500 but  
28 not more than \$12,000. If the person commits theft in the  
29 second degree, the person is guilty of a class "D" felony and  
30 the maximum sentence for the person convicted shall be for a  
31 period of confinement of not more than seven years and a fine  
32 of at least \$1,000 but not more than \$12,000. If the person  
33 commits theft in the third degree, the person is guilty of an  
34 aggravated misdemeanor and the maximum sentence for the person  
35 convicted shall be for a period of confinement of not more than

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1 four years and a fine of at least \$800 but not more than \$7,500.  
2 If the person commits theft in the fourth degree, the person is  
3 guilty of a serious misdemeanor and the maximum sentence for  
4 the person convicted shall be for a period of confinement of  
5 not more than 18 months and a fine of at least \$500 but not  
6 more than \$2,500. If the person commits theft in the fifth  
7 degree, the person is guilty of a simple misdemeanor and the  
8 maximum sentence for the person convicted shall be for a period  
9 of confinement of not more than 60 days and a fine of at least  
10 \$150 but not more than \$1,000.